

REMARKS

In response to the Office Action mailed February 20, 2007, favorable reconsideration is requested in view of the above amendments and following remarks. Without acquiescence or prejudice to further prosecution, Applicants have amended claim 6. In addition, new claims 27-34 have been added. Following the amendments, claims 1-34 are pending in the application, with claims 6 and 27-34 under examination.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 6 remains rejected under 35 U.S.C. § 112, second paragraph. According to the Examiner, the phrase “predetermined cut-off value” is indefinite because it is allegedly not clear exactly how the numeric value of the “a predetermined cut-off value” is to be determined. The Examiner concludes that this renders the claim indefinite because the method steps of obtaining a predetermined cut-off value are not defined by the claim and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicants respectfully traverse this rejection for reasons of record. However, for purposes of clarity and to advance prosecution, Applicants have amended claim 6 by removing reference to a predetermined cut-off value. The claim instead now recites that the amount of polypeptide detected in step (c) is compared to the amount of polypeptide of SEQ ID NO:9611 in a control sample from a subject without lymphoma. Reconsideration is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph (Written Description)

Claim 6 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. More particularly, according to the Examiner, the claim is inclusive of a genus of binding agents that bind to polypeptides encoded by the nucleic acid sequence comprising the sequence set forth in SEQ ID NO:10582 or a complement thereof. However, according to the Examiner, the written description in this case only sets forth binding agents that bind to polypeptides comprising the sequence set forth in SEQ ID No:9611, which is encoded by SEQ ID NO:10582.

Applicants respectfully traverse this rejection and submit that a skilled artisan would understand and appreciate that applicants were in possession of the claimed invention in light of the specification as filed. However, in an effort to advance prosecution, Applicants have

amended claim 6 to specify that the binding agent used in the claimed method is a binding agent that binds to the polypeptide of SEQ ID NO:9611. Reconsideration is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph (Enablement)

Claim 6 also stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. According to the Examiner, the specification does not provide enablement for a method of detecting the presence of lymphoma by contacting any biological sample with a binding agent that binds to any polypeptide encoded by SEQ ID NO:10582, or a complement thereof, and comparing the amount of polypeptide to any predetermined cut-off value.

Applicants respectfully traverse. As suggested by the Examiner, the biological sample recited according to the claim 6 has been amended to specify that the biological sample is a lymphoid sample. In addition, new claims 29 and 32 recite additional biological sample types used according to the claimed methods, namely, B-cell samples and lymph node samples, respectively. Further, as noted above, the claims now specify that the binding agent used in the claimed method is a binding agent that binds to the polypeptide of SEQ ID NO:9611, rather than a binding agent that binds to a polypeptide encoded by SEQ ID NO:10582. Finally, the phrase “pre-determined cut-off value” has been removed and the claims now specify that the amount of polypeptide detected in step (c) is compared to the amount of polypeptide of SEQ ID NO:9611 in a control sample from a subject that does not have lymphoma. Reconsideration is respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 10/057,475
Reply to Office Action dated February 20, 2007

Applicants respectfully submit that all of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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